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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

9 UNITED STATES OF AMERICA, )  
10 ) NO. CR05-173RSM  
Plaintiff, )  
11 )  
v. ) ORDER OF CONTINUANCE  
12 )  
13 ROBERT KESLING, )  
14 Defendant. )  
\_\_\_\_\_ )

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16 In consideration of the parties' joint motion for continuance, and observing that no prior  
17 trial continuances in this matter have been sought, the Court finds and rules as follows: This Court  
18 finds as facts those facts set forth in the above motion to extend the pre-trial motion cut-off date  
19 and the trial date submitted on behalf of all parties. For the reasons set forth, the motion is  
20 GRANTED. The pre-trial motion cut-off date shall be September 15, 2005. Further, the Court  
21 finds that given the nature and seriousness of the charges in this case, the abundant discovery to  
22 be had, and the need by defense counsel and the defendant herein to fully review the evidence, and  
23 conduct adequate investigation, the failure to grant the requested trial continuance would  
24 unreasonably deny the defendant effective assistance of counsel and, despite due diligence by all  
25 parties, result in a miscarriage of justice. Further, the Court finds that given the complexity of the  
26 evidence, the duration and extent of the alleged conspiracy, the number of the alleged participants,  
27 and the volume of recordings and documentary evidence in this case, it is unreasonable to expect  
28 either the government or defense counsel to be prepared to go to trial within the time allotted.

1 The Court further finds, for the reasons set forth above, that the ends of justice served by  
2 granting the requested continuance outweigh the best interest of the public and the defendant in a  
3 speedy trial.

4 The new motion cut-off date shall be September 15, 2005. The new trial date shall be  
5 November 7, 2005. The time from the filing of this motion for continuance, through the new trial  
6 date shall be, and is, excluded under the Speedy Trial Act, Title 18, United States Code, Sections  
7 3161(h)(8)(A) and (B)(i)(ii) and (iv).

8 DATED this 5 day of July, 2005.

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10 RICARDO S. MARTINEZ  
11 UNITED STATES DISTRICT JUDGE

12 Presented by:

13 /s Ronald J. Friedman  
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22 /s Robert S. Huff per written consent on Joint Motion  
23 ROBERT S. HUFF  
24 Attorney for Defendant ROBERT KESLING  
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